

Docket No.: 1614.1358

Serial No. 10/644,065

REMARKS

In accordance with the foregoing, the specification and claims have been amended to improve clarity and, further, claim 9 is amended responsive to Item 1 of the Action and without change of substance, as later discussed. No new matter is presented and, accordingly, approval and entry of the specification and claim amendments are respectfully requested.

STATUS OF CLAIMS

Claims 5 and 9 are pending herein and both are rejected.

ITEM 1: REJECTION OF CLAIM 9 UNDER 35 U.S.C. 101 BECAUSE THE CLAIMED INVENTION IS ALLEGEDLY DIRECTED TO NON-STATUTORY SUBJECT MATTER

Applicants have adopted the Examiner's proposed amendment to claim 9, in the foregoing, and accordingly, the rejection of Item 1 is submitted to be overcome and thus should be withdrawn.

ITEM 2: REJECTION OF CLAIMS 5 AND 9 FOR ANTICIPATION UNDER 35 U.S.C. 102 (b) BY POLLOCK et al. (WO 97/01253)

The rejection is respectively traversed.

The claims as amended hereinabove further define the present invention in relation to preventing unauthorized use of an IC card of a person, wherein the IC card for settlement is mounted to a mobile device of that person -- and the mobile device, which becomes available in the state of mounting an SIM card therein, is lost or stolen from that person.

Nowhere does the Action mention the use or function of an SIM card; as well, Pollock et al. is silent, in both the specification and claims, as to any involvement with an SIM card -- much less, the combined use of an "IC card for settlement" and an "SIM card" and particularly wherein:

...[T]he IC card for settlement is mounted to a mobile device of the person and the mobile device which becomes available in a state of mounting an SIM card, is lost or stolen from the person...

(First paragraph in body of each of claims 5 and 9)

The present invention, moreover, deals not only with the circumstance of the mobile device (e.g. a mobile phone) not being available, or usable, when the SIM card is not mounted

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therein but further the circumstance of a third party acquiring and, without authorization, attempting to use the IC card.

Pollock is altogether silent on any such SIM card or the use of same together with an IC card, much less to the method of the invention for responding to the circumstance by communications sent to a mobile communications entrepreneur. Clearly, Pollock presents no suggestion, much less any teaching, wherein the mobile device mounts the SIM card and the IC card together.

Moreover, as taught by the present application, in a conventional mobile device mounting a SIM card and an IC card, it was difficult to securely change settings of the mobile phone when the mobile phone is lost or stolen (line 5 of page 3 to line 8 of page 4). The present invention, on the other hand, overcomes these problems of the prior art.

Accordingly, it is submitted that Pollock does not suggest the metal device mounting the SIM card and the IC card together nor does it present any teachings as in the present invention wherein the mobile device becomes available in a state of mounting an SIM card but not in a state of mounting an IC card, alone.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that the pending claims distinguish patentably over the references and rejections of records. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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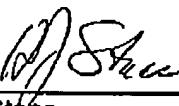
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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

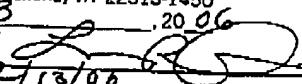
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